

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00458-RJC-DSC**

TREX PROPERTIES LLC,

Plaintiff,

v.

**25TH STREET HOLDING COMPANY
INC. et. al.,**

Defendants.

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ORDER

THIS MATTER is before the Court on “Plaintiff’s Corrected Motion to Strike the Pro Se Answer of Somers Custom Paint & Body Shop” (document #423).

As to this Defendant, the Complaint only alleges:

3213. According to Trex North Carolina Facility records, Defendant Somers Custom Paint & Body Shop (“Somers Paint”) by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, at least 55 gallons of materials to the Trex North Carolina Facility. These materials were owned by Somers Paint and contained hazardous substances.

3214. By letter dated August 11, 2017, Trex demanded that Somers Paint reimburse Trex for a specified amount of response costs incurred and to be incurred by Trex at the Trex North Carolina Facility.

3215. To date, Somers Paint has refused to cooperate and has not paid any response costs incurred by Trex at the Trex North Carolina Facility.

Document #1 at 443. On November 22, 2021, Defendant filed a pro se Answer. Document #405.

The Answer is signed by Barry A. Somers.

Plaintiff alleges this pro se Defendant is a corporation that cannot appear without counsel.

“It has been the law for the better part of two centuries ... that a corporation may appear in federal

courts only through licensed counsel.” Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993). Accord Gilley v. Shoffner, 345 F. Supp. 2d 563, 566 (M.D.N.C. 2004) (dismissing complaint of pro se corporate plaintiff); Microsoft Corp. v. Computer Serv. & Repair, Inc., 312 F. Supp. 2d 779, 780 (E.D.N.C. 2004) (same); Lexis-Nexis v. TraviShan Corp., 155 N.C. App. 205, 208, 573 S.E.2d 547, 549 (2002) (same).

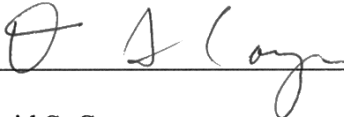
Neither the Complaint, Defendant’s Answer, nor Plaintiff’s Motion contain any allegations as to whether Defendant is a corporation.

Accordingly, “Plaintiff’s Corrected Motion to Strike the Pro Se Answer of Somers Custom Paint & Body Shop” (document #423) is denied without prejudice to refiling.

The Clerk is directed to send copies of this Order to pro se Defendant Somers Custom Paint & Body Shop, to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: December 28, 2021



David S. Cayer
United States Magistrate Judge

